

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2011-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN TO CONSTRUCT A CULVERT AT 148<sup>TH</sup> TERRACE NORTH WITH THE FUNDING FROM ATTORNEYS TITLE INSURANCE FUND AND FIRST AMERICAN TITLE INSURANCE COMPANY; AUTHORIZING THE ACCEPTANCE OF THE PROPOSAL FROM WBI CONTRACTING OF PALM BEACH TO CONSTRUCT THE CULVERT AND AUTHORIZING NOT TO EXCEED \$48,913.19 TO BE PAID TO WBI FOR THE PROJECT; AUTHORIZING THE EXECUTION OF A GENERAL RELEASE IN FAVOR OF THE TITLE COMPANIES IN EXCHANGE FOR THE FUNDING FOR THE CULVERT; PROVIDING THAT UPON COMPLETION OF THE CULVERT IT SHALL BECOME TOWN PROPERTY AND REMAIN A PUBLIC STRUCTURE PROVIDING ACCESS TO THE PUBLIC ACROSS THE NORTH ROAD CANAL AT 148<sup>TH</sup> TERRACE NORTH; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Loxahatchee Groves Water Control District (LGWCD) has undertaken an effort to close it's canal maintenance access roadway along the north side of North Road Canal right-of-way to public traffic; and,

**WHEREAS**, as a result of the decision of the LGWCD, several property owners in the area of 148<sup>th</sup> Terrace North would not be able to access their properties; and,

**WHEREAS**, the title companies representing the affected property owners, Attorneys Title Insurance Fund, Inc., and First American Title Insurance Company (collectively the Title Insurance Companies), have agreed to fund the construction of a culvert across the North Road Canal at 148<sup>th</sup> Terrace North in order to resolve their clients' access issues; and,

**WHEREAS**, the District is not able to construct and own the culvert due to its limited powers as a special district, so the Town was requested to serve as the entity to construct and own the culvert for the benefit of the public to access 148<sup>th</sup> Terrace North, which is a Town Road; and,

**WHEREAS**, the Town solicited bids for the project earlier this year, and WBI Contracting of Palm Beach (WBI) was the only responsive bidder; and,

**WHEREAS**, it was necessary for the culvert to be re-designed in order to reduce its costs to be within the sums offered by the Title Insurance Companies to pay for the culvert; and,

**WHEREAS**, engineers for the Title Insurance Companies and the Town, as well as representatives of WBI, were able to modify the design of the culvert to accommodate the design criteria of the LGWCD and the budget for the project as established by the sums offered by the Title Insurance Companies; and,

**WHEREAS**, on September 6, 2011, WBI submitted its proposal to construct the culvert for \$48,913.19, which proposal remains valid until November 2, 2011; and,

**WHEREAS**, the Title Companies have agreed to reimburse the Town for the costs of the culvert in the amount of \$48,913.19 upon completion of the culvert, approval by the LGWCD and a commitment from the Town that the culvert will remain a public structure providing access to the public, including their clients; and,

**WHEREAS**, the Title Insurance Companies require the Town to provide a General Release to them for all matters relating to the culvert in exchange for their payment; and,

**WHEREAS**, at its October 10, 2011, meeting, the LGWCD Board of Supervisors approved the Town's permit application for construction of the culvert; and,

**WHEREAS**, the Town Council believes it is in the best interest of the Town, its residents and property owners to construct the culvert at 148<sup>th</sup> Terrace North with funding provided by the Title Companies, which will result in a public access connection across the North Road Canal from North Road to 148<sup>th</sup> Terrace North, a Town Road.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:**

**Section 1.** Each "WHEREAS" clause set forth above is true and correct, constitutes a finding of fact in support of the actions taken by the Town Council through the adoption of this

Resolution, and are herein incorporated by this reference.

**Section 2.** The Town Council hereby accepts the proposal of WBI Contracting of Palm Beach, in the amount of \$48,913.19, attached hereto as Exhibit "A", and authorizes the appropriate Town officials to execute any and documentation necessary to authorize WBI to proceed with the work.

**Section 3.** The Town Council hereby approves the execution of the General Release in favor of the Title Insurance Companies, attached hereto as Exhibit "B."

**Section 4.** Upon completion, the culvert shall be Town property and remain a public structure to provide public access across the North Road Canal from North Road to 148<sup>th</sup> Terrace North.

**Section 5.** If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

**Section 6.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 7.** This Resolution shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,  
UPON FIRST PUBLIC HEARING THIS 18<sup>th</sup> DAY OF October, 2011.

ATTEST:

Janice M. Moore  
TOWN CLERK

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

David Browning  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

[Signature]  
Office of the Town Attorney

Vice Mayor Ryan Liang

[Signature]  
Council Member

Council Member

[Signature]  
Council Member

MDC

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EXHIBIT "A"

WBI CONTRACTING OF PALM BEACH PROPOSAL

Sep 05 11:14:11 AM Grant Town Clerk  
661-793-2420 661-793-2420

WBI

661-793-2420

p1

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*Copy to Chris Sammis, P.E.*

*ms*

*795-6457*



CONTRACTING OF PALM BEACH, INC.  
1544 N. Road  
LUXA LATCHEE, FL 33470  
PHONE 661-716-3319

FAX 791-8453

**FAX**

Town of Loxahatchee Groves  
14579 Southern Blvd. Suite #2  
Phone: 661-793-2418  
Contact: Frank Spence  
Fax number: 661-793-2420

September 5, 2011

Re: 14th Terrace North Culvert Crossing

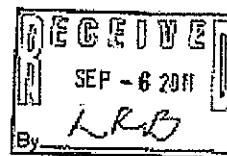
Frank,

Attached is our proposal for the construction of the culvert bridge as you requested. We were able to meet your budget amount by decreasing the scope of work shown on the plans and specifications we received.

We recommend deleting the S-2 Conflict structure and use the existing pipe. Our guard rail sub contractor recommends matching the existing guard rail along North Road and giving an alternate for the anchor assemblies. The anchor assemblies are expensive, not recommended in areas of 30' or less, and are hard to maintain if damaged. Our proposal details our exclusions.

Thank you for the opportunity of quoting this project for the Town.

Large [Signature]  
President  
WBI Contracting of Palm Beach, Inc.



**CONTRACTING OF PALM BEACH, INC.**  
1141 B Road  
LOXAHATCHEE, FL 33470  
TEL: 561-718-3319

FAX 791-8453

**PROPOSAL**

Proposal submitted to: Town of Loxahatchee Groves  
14579 Southern Blvd, Suite 2  
Loxahatchee Groves, FL 33470  
Phone: 561-793-2418  
Contact: Frank Spence

Proposal submitted by Jorge Perez  
September 6, 2011

Job Name: 148<sup>th</sup> Terrace North Culvert Crossing

We offer the following proposal subject to the terms outlined as follows:

Item: Install 12" Culvert crossing per plans and specs dated 7/14/2011 to include

12" x 12" steel pipe	611 l.f.
2 concrete abutments	2 ea.
12" x 12" steel pipe for inletted ends and outlet slopes	11 s.
12" x 12" steel pipe with bridge with shell rock base	266 s.y.
Guard rail (anchoring endings)	176 l.f.
Modifying & extending existing 18" pipe to outfall at inletted ends	2 ea.
Fill to grade and re-grade	11 l.f.

Excludes: 5-2 concrete manhole and associated work  
Guard rail end anchor assemblies Type CR1: Add \$1,950.00 each.

**TOTAL BID: \$48,913.19**

The above conditions shall be completed for the Lump sum of: (\$48,913.19) DOLLARS, with  
payment to be as follows: Progress payments for work performed, final payment at completion.

PRICES VALID FOR 45 DAYS

Accepted by: \_\_\_\_\_

